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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 v.
15 Plaintiff,
16 JIA YUE,
17 Defendant.

Case No. 3:09-cr 00917-VRW

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE EVIDENTIARY
HEARING ON DEFENDANT'S MOTION
TO SUPPRESS AND RELATED
BRIEFING SCHEDULE**

Date: March 3, 2010
Time: 9:30 a.m.
Dept: Courtroom 6, 17th Floor
Judge: Chief Judge Vaughn R. Walker

Date Indict. Filed: September 17, 2009

Trial Date: To be determined

1 WHEREAS, the Court, by Order dated February 4, 2010 (Docket No. 44) ("Order"), set a
2 hearing on Defendant Jia Yue's Motion to Suppress (Docket No. 30) for Wednesday, March 3,
3 2010, at 9:30 a.m.; and

4 WHEREAS, the Court, by the same Order, ordered that Defendant may file a brief
5 regarding the Motion to Suppress by February 19, 2010, at 5:00 p.m.; and

6 WHEREAS, the Court, by the same Order, ordered that the Government may file a reply
7 brief regarding Defendant's Motion to Suppress by February 24, 2010, at 5:00 p.m.; and

8 WHEREAS, as described in the Order dated February 4, 2010, at 5:22-6:2, the Court
9 ordered the Government to establish by declaration or otherwise, no later than by 5:00 p.m. on
10 February 19, 2010, that no evidence obtained from the August 10, 2006 search of Johnson Mai's
11 house was destroyed; and

12 WHEREAS, Defendant and the Government have met and conferred and desire to
13 continue the hearing on Defendant's Motion to Suppress and to continue the deadlines for the
14 related briefs; and

15 WHEREAS, no party will be prejudiced by this continuance,

16 THEREFORE, it is stipulated by and between the Defendant and the Government that:

17 1. The evidentiary hearing on Defendant's Motion to Suppress shall be continued
18 until Tuesday, March 30, 2010, at 9:30 a.m.

19 2. Defendant may file a brief of no more than ten pages in support of the Motion to
20 Suppress by March 18, 2010, at 5:00 p.m.

21 3. The Government may file a reply brief of no more than ten pages in opposition to
22 the Motion to Suppress by March 23, 2010, at 5:00 p.m.

23 4. As described in the Order dated February 4, 2010, at 5:22-6:2, the Government is
24 directed to establish by declaration or otherwise, no later than by March 18, 2010, at 5:00 p.m.,
25 that no evidence obtained from the August 10, 2006 search of Johnson Mai's house was
26 destroyed.

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The parties agree to this schedule and ask that it be so ordered by the Court.

SO STIPULATED.

Dated: February 17, 2010

By: /s/ Aaron D. Wegner
AARON D. WEGNER
Assistant United States Attorney

Dated: February 17, 2010

KEKER & VAN NEST LLP

By: /s/ Brook Dooley
ELLIOT R. PETERS
BROOK DOOLEY
GALIA A. PHILLIPS
MATAN SHACHAM
Attorneys for Defendant
JIA YUE

ORDER

FOR GOOD CAUSE HEREBY FOUND, THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.

Dated: February 23 , 2010

